

Minutes of a Meeting Agenda
April 17, 2003

Town of Los Altos Hills
City Council Regular Meeting

Thursday, April 17, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Fenwick called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Fenwick, Mayor Pro Tem Cheng and Councilmembers
O'Malley,
Kerr and Warshawsky
Absent: None
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas,
Planning Director Carl Cahill, and Planning Assistant Debbie Pedro

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes or more at the Mayor's discretion.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Proclamation – Recognizing the 50th Anniversary of Junior Achievement of Silicon Valley and Monterey Bay

Mayor Fenwick read the Proclamation and presented it to Wendy Wally, Junior Achievement representative.

Wendy Wally, Vice President of Marketing, thanked the Council for the Proclamation and noted that by the end of the current school year, Junior Achievement will have served almost 360,000 students.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that at its last meeting, the Planning Commission approved a variance for grading within 10 feet of a property line and reviewed the Fast Track report prepared by staff, which provides an overview of all the projects that have been approved within the past two years. The Planning Commission recommended the Fast Track report be forwarded to the City Council.

4. CONSENT CALENDAR

Items Removed: Item 4.1 (Fenwick) and Item 4.2 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Kerr and passed by all members present, with Warshawsky abstaining, to approve the remainder of the Consent Calendar, specifically:

- 4.3 Fast Track Application: Approved by the Planning Director: Lands of Designed Environ, Inc. (19-03-ZP-SD-GD), 24666 Nicole Lane, a request for a new residence
- 4.4 Approval of TDA Grant Funds Application for Pedestrian Bridge Replacement at Paseo del Roble
- 4.5 Approval of Extension Request for a Site Development Permit, Lands of Warshawsky, 27390 Altamont Road.
- 4.6 Award of Contract for O'Keefe Storm Drain Project, Reso# _____
- 4.7 Acceptance of Grant of Conservation Easement - Lands of Kirsch, 12012 Adobe Creek Lodge Road Reso# _____
- 4.8 Acceptance of Grant of Pathway Easement – Lands of Kirsch, 12012 Adobe Creek Lodge Road Reso# _____
- 4.9 Approval of Revision to Standing Committee Resolution #17-03 –Increasing the Membership of the Emergency Communications Committee to 20 Members
- 4.1 Approval of Minutes: Regular City Council Meeting, April 3, 2003

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to approve the minutes of the April 3, 2003, Regular City Council Meeting amended with the following corrections: page 3, paragraph 2, should read, "next meeting scheduled for **April** 24, 2003." And on page 3, paragraph 4, should read, "Councilmember Warshawsky thanked **members of the Committee** for the presentation given..."

- 4.2 Approval of Warrants: 03/28/03 – 04/10/03 \$275,974.70

Fenwick inquired about the payments to Myers, Nave, which added up to \$74,601.

City Attorney Steve Mattas explained that the item included billings for the months of January and February and was representative of the General Services portion, which was about 25 percent of the total. The majority of the costs were related to litigation matters or cost recovery matters.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Chen and passed unanimously to approve the warrants in the amount of \$275,974.70

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Town-wide Architecture Advisory Poll Update

Councilmember Kerr reported that his Committee counted the resident surveys that were received. Between 20% and 25% of the households responded to the survey. The preference for a new Town Hall was (1) 258 responses for a Rural design; (2) 173 responses for a Mission design; (3) 122 responses for Craftsman design; and (4) 83 responses for Sustainable. The residents voiced support for the integration of sustainable features in the new Town Hall. Items specifically mentioned include passive and active solar technology, rainwater harvesting, and innovative technology to conserve energy. Residents want to keep the costs down, do not want a metal roof, and favor a Town Hall that blends into the neighborhood. The Committee wishes to proceed with the architect selection process. Four architects have been asked to submit proposals by April 30, with Committee review scheduled for May 6, and a recommendation to the Council on May 15.

Councilmember O'Malley noted that in response to a question from a resident, the Committee was receptive to receiving additional bids from other architects.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the next meeting is April 24, at which time the Committee will look at finances and assessment districts.

5.1.3 Master Pathway Map – Committee Report

Councilmember O'Malley reported that the Committee was making slow progress.

Dot Shriner, 14301 Saddle Mountain Drive, provided an update on what the Committee found. The Committee documented the area around the Fremont Hills Country Club, containing over 70 homes, each with a general public easement around the property. All off road path easements on on-road streets as well as pathway easements on private roads are also being documented.

5.1.4 View Protection Ordinance –Public Hearing Regular City Council Meeting May 1, 2003

Cahill explained that the item was on the Council's agenda for May 1, and that notice has gone out to the public.

6. NEW BUSINESS

6.1 Consideration of Council Representative as Voting Delegate for a Special Meeting of the League of California Cities General Assembly

MOTION SECONDED AND CARRIED: Motion by O'Malley, seconded by Kerr and passed unanimously to designate City Manager Maureen Cassingham as Los Altos Hills' voting delegate for the May 15 Special Meeting.

6.2 Consideration of Proposed Resolution: Public Education in Los Altos Hills and Bullis Charter School

Craig Jones, 27297 Byrne Park Lane, thanked the Council for its earlier support and noted that the Bullis School is scheduled to close as of June 2003. Many residents from Los Altos Hills got together to form the Bullis Charter School and submitted a petition to the Los Altos School District asking for approval of the charter petition. Jones noted that Los Altos Hills was the only town with no public school and a charter school would be an asset to the school, a way for neighbors to get to know each other, and a way for parents to be involved in the education of their children. He explained that the goals of the charter school are to meet the children's needs and provide a wholesome community experience, focused on the Los Altos Hills area. The only opposition to the idea of the charter school has to do with fiscal impact. Jones asked the Council to declare its support for public education, to declare that the charter school was a good mechanism for keeping public education in Los Altos Hills, to plead with the Los Altos School District Site Advisory Committee to give public school the highest priority for the former Bullis-Purissima site, and to declare that the Bullis public school would be a great asset to the community.

Dick Hasenpflug, 279 Jardin Drive, spoke on behalf of the Citizens Advisory Committee for Finance (CACF) for the Los Altos School District, and addressed financial implications of a charter school. He mentioned three problems created by a charter school: (1) loss of rental revenue from the Bullis site; (2) loss of State funding for students in the district who attend the charter school; and (3) once the Los Altos School District becomes basic aid, the \$4,500 per student that the charter school got, no longer came from the state.

Mayor Fenwick asked what affect the Council's approval of the proposed resolution has on the District.

Mr. Hasenpflug responded he was told that if the District did not agree with what the charter school proposed, the Los Altos Hills City Council will block any efforts to lease the charter school out to a third party.

Mr. Jones said the Council had no say in the matter of the District's approval or disapproval of the Charter.

Commissioner Kerr asked whether it was fair to say, from a financial point of view, the alternative is to turn Bullis into a private school because that would pay rental income.

Mr. Hasenpflug responded that turning Bullis into a private school is a logical assumption. A private school would also draw a certain amount of students from outside the area.

Mayor Fenwick asked whether the Charter School Group, under State Law, could make the Los Altos School District form a charter school.

Mr. Hasenpflug said the District has to accept what is approved at the State level.

Mr. Jones said the criteria under which the District has to review the charter school is based on two factors: (1) whether or not it is an educationally sound program; and (2) if the Charter applicants were unable to implement the program. He never heard of a case that lost at the State level.

Ron Haley, 25390 La Rena Lane, noted that all Los Altos School Board members lived in Los Altos. He met with the Superintendent who told him the School District wants to get to basic aid as quickly as it can. He asked the Council to support the resolution.

Robin Abrams, 751 Linden Avenue, CACF member, recommended that the Council take sufficient time to understand the financial implications to the District prior to taking action on the resolution. Funding is being reduced for the Los Altos School District due to Issues in Sacramento.

Chris Vargas, 13825 Templeton Place, suggested there were three reasons for the Council's support of the resolution: (1) the School Districts needs to talk to the residents to find ways to make the financial things work; (2) the residents feel it is important to have a school in the town; and (3) the students and residents need to know the Town is behind them.

Steve Hurley (no card), 12580 Mira Loma Way, understood and regretted the external events that were imposed on the Bullis community and urged the Council to consider that the Bullis closure was the output of a lengthy, open, fiscally driven public process, and that by supporting the Bullis Charter Group, the Council worked cross purpose to the fiscal needs and priorities of the Los Altos School District and the District's ability to serve all its students.

Soriv Keani (no card), 1432 Grand Road, said he participated in the School District's open, public hearing meetings and never felt that the School District considered the Los Altos Hills' parent's concerns. He hoped the Council could show its support and pass the resolution unanimously.

Marlin Miller (no card), TafFe Road, spoke about the need for a local, smaller school in Los Altos Hills. He felt the School District had a closed attitude and did not consider the needs of the residents of Los Altos Hills. He urged the Council to get the parties talking and working through a reasonable solution.

Peter Evans (no card), 25259 La Loma, reiterated the issue fell squarely before the Council because it was about the quality of life in Los Altos Hills. The issue also has to do with the Bullis School site which is the only site for public education. He encouraged the Council to support the resolution and support the future of public education in Los Altos Hills.

Diana Nyman (no card), 661 Milviton Road, Los Altos, expressed concern that the residents of Los Altos Hills were given a disservice by the Los Altos School District. She noted that the assessed value of Los Altos Hills properties was a percentage of the total School District assessed value. The amount was 21 percent, which meant that Los Altos Hills residents would repay \$20 million in debt and interest for the privilege of renovating only Los Altos schools. Her opinion was that the School District mismanaged several big ticket items such as the renovation of Covington. She believed the Charter School has a financially viable plan to education the community's children with 25 percent less money than the School District used.

Alexander Atkins, 26990 Orchard Hill, asked the Council to pass the resolution and tell the taxpayers and voters that their voice should be heard. The message will tell Los Altos that Los Altos Hills dictates its future and community value. Public education has an enormous possibility in an affluent community such as Bullis.

Nancy Kelem, 26323 Esperanza, said her property was in the Palo Alto School District and her family transfers into the Los Altos School District. The Superintendent has not publicly said that when it becomes a basic aid district, it will turn away all the interdistrict transfer students. Her concern was that families are not being told that there will no longer be interdistrict transfers. Charter laws give families a way to take control of education for their children.

Vera Ellson (no card), 14370 Miranda, moved near Bullis School to send her children there. The school is used as a park and community meeting place. She encouraged the Council to support the resolution.

Jeff Winner (no card) 24040 Oak Knoll Circle, said the question facing the Council is whether it wants another private school, a vacant lot, or a public school at Bullis. Parents preferred a public school on the site.

Councilmember O'Malley said the Council's job was to look after the best interest of the Los Altos Hills citizens, and a charter school would accomplish that. He agreed that the Los Altos School District will have a financial impact but favored a school at Bullis.

Councilmember Warshawsky was for public education and a public school in Los Altos Hills.

Councilmember Kerr favored a public school in Los Altos Hills, and a charter school is an excellent solution to the fact that the Town is split into two school districts.

Councilmember Cheng pointed out that Bullis parents were upset at how the decision was made to close Bullis School. Bullis is the last school site in Los Altos Hills, which she did not want to see the town lose.

Mayor Fenwick was appalled that a Town of 8,000 people would not have a public school. He supported the resolution.

MOTION SECONDED AND CARRIED: Motion by Warshawsky, seconded by Kerr and passed unanimously to adopt the Resolution Supporting Public Education in Los Altos Hills and the Bullis Charter School.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Status Report from Housing Element Subcommittee

Planning Director Cahill reported that the Housing Element will be brought back to the Council on May 1, prior to submission to the State.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham announced that a fourth Emergency Preparedness Training for town residents will be held in the Bullis School Multi-purpose room on April 24, at 7:00 p.m.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Resident Briefing on Burglary Prevention by Sheriff's Department – Mayor Fenwick (continued from City Council Regular Meeting April 3, 2003)

City Manager Cassingham reported that, in conjunction with the Sheriff's Department, an information session for residents, with a presentation and question and answer period, will be scheduled in May or early June. Staff will work with the Sheriff's Department on a date

9.2 Proposed Agenda for April 29th Joint Los Altos and Los Altos Hills Council Meeting – Mayor Fenwick (continued from City Council Regular Meeting April 3, 2003)

Mayor Fenwick suggested items including situation of Adobe Creek, sewer connections, annexation policy, parking garages added to Los Altos, downtown hotel, and a theatre.

Councilmember Cheng wanted the general discussion of libraries included.

10. PRESENTATIONS FROM THE FLOOR

Nancy Couperus, 13680 Page Mill Road, informed the Council that several activities will be held at West Wind Barn, including the Earth Day Celebration on April 26, and the Los Altos Hills Pathways Run and Walk on May 10. She noted that there is a citizens/residents group formed to address the problem of Adobe Creek and the Edith Park area. The group's intent is to seek a grant to put forth a project that is environmentally sensitive.

Jeremy Kelem, 26323 Esperanza Drive, asked the Council to approve a school that would be within walking distance to where he lives.

11. PUBLIC HEARINGS

11.1 Appeal of the Planning Commission's Approval of a Site Development Permit for a Landscape Screening Project; Lands of Leung, 27168 Moody Court (235-02-ZP-SD).

Debbie Pedro, Assistant Planner, reported that the Planning Commission reviewed the proposal on February 27 and approved the project with conditions. The project was appealed to the City Council for review because of concerns that the proposed plantings on the slopes north of the driveway are not adequate. The applicants originally proposed ground cover as an erosion control measure on the slope, but submitted a revised landscape plan to revegetate the area with additional plantings. Staff believes the additional plantings will help achieve a consistent and natural looking slope.

Sylvia Leong, applicant, explained that her architect tried to re-establish a native habitat on the property.

MOTION SECONDED AND PASSED: Motion by Kerr, seconded by Warshawsky and passed unanimously to uphold the Planning Commission's approval of the site development permit subject to the plan revisions dated April 8, 2003, and revised conditions of approval.

11.2 Appeal of the Planning Commission's Approval of a Site Development Permit for a 1,425 Square Foot Addition (maximum height 25.6 feet), and a 997 Square Foot Secondary Dwelling Unit (maximum height 17.6 feet); Lands of Mehta, 14293 Saddle Mountain Drive (291-01-ZP-SD-GD).

Mayor Fenwick left the meeting due to a conflict.

Planning Director Carl Cahill reported that the Planning Commission reviewed the project on February 27 and approved the project subject to changes to the conditions of approval. The project was appealed in part due to a question about setback of the home and the addition.

Vice Mayor Cheng indicated she appealed the project because Code Section 10-1.505 indicated that the 40-foot setback should be the setback where the property is closest and most intrusive to the neighbor. She felt the second story should be required to have a 40-foot setback.

Councilmember Kerr said the question was whether the grandfathered second story was allowed to stay.

OPENED PUBLIC HEARING

Sharad Mehta, applicant, explained that his house was built in 1988 and is currently the smallest house in the neighborhood. The second story consists of 1,000 square feet, with smaller, higher, obscure windows that will not look out at the neighbor's property, and there are no skylights facing the neighbors.

Loren Nelson, Project Engineer, provided history on the plans for the original project.

Steven Chan, 14295 Saddle Mountain Drive, stated his concerns about the second story addition which would face his living spaces. He requested the 40-foot setback be from the access easement, the garage addition be 40-feet away from the property line, and that there be no addition over the garage. Changes to the conditions were requested: (1) bathroom window be obscure; (3) that the applicant go back to the plan that was approved in 1987 and plant trees and shrubs to reflect 15 years of growth; (6) higher amount of landscape deposit be required to make sure the plantings are sustainable; (7) no skylights facing his property; and (15) all vehicular be confined only to the access easement of the emergency road.

Dot Shriner, 14301 Saddle Mountain Drive, said she was on the Planning Commission when Mr. Chan brought in his plans for his home and there were concerns raised by the neighbors. The Chan's plans were in compliance with the Code but, in order to please the neighbors, the Chan's made many changes. She felt the second story could be accommodated elsewhere on the property.

Carol Gottlieb, 24290 Summerhill, reiterated there was much opposition to the Chan's house, and the Chan's went to great lengths to appease the neighbors. She suggested the second story might be shifted to the other side of the house.

Amy Chan, 14295 Saddle Mountain Drive, referred to a Planning Commission staff report, dated 9/14/94, which mentioned that staff found no documentation of any

architectural controls placed on the subdivision; there were no conditions of approval on the subdivision that related to the number of stories.

CLOSED PUBLIC HEARING

Councilmember Warshawsky agreed there was a privacy issue and asked that the something be done to the second story bathroom window.

Councilmember O'Malley said what Mr. Mehta was doing is within the code, and the second story should be allowed where it is planned. The bathroom window should be 6 feet, with obscure glass.

Cahill recommended the addition of a condition for a Code Compliance Deposit of \$20,000 for plan check, which would be released at the time of final inspection.

Council discussed landscaping issues related to the fact that landscaping was not completed when the Mehta's house was built. A suggestion was made that planting be added on Mr. Chan's property that faces the Mehta house.

City Attorney Steve Mattas said Council might wish to direct what it would like to see on the Mehta property and then allow that if the Planning Commission approves an alternative which is acceptable to Mr. Mehta and Mr. Chan, that would be acceptable to the Council.

Mr. Mehta agreed with the condition for Code Compliance Deposit.

MOTION SECONDED AND PASSED: Motion by Kerr, seconded by O'Malley and passed by the following roll call vote to uphold the Planning Commission's motion to approve the proposed site development permit for an addition and secondary dwelling unit, with conditions of approval as attached to the February 27, 2003, Planning Commission staff report, with the following conditions: (1) Code Compliance Deposit of \$20,000 to be refunded on final inspection; (2) All windows facing Chan's property to have privacy glass and be 6 feet high; (3) No skylights on roof facing Chan property; and (4) Applicant to work with Chan's to come up with landscape plan including possibility of planting landscape on Chan's property.

AYES: Mayor Pro Tem Cheng, Councilmembers Kerr, O'Malley and Warshawsky

NOES: None.

ABSENT: None.

ABSTAIN: None

RECUSED: Mayor Fenwick

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING

LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING
LITIGATION: MacDonald et al. v. Town of Los Altos Hills et al. Case No. CV 813186

The City Council considered the items listed on the Closed Session agenda and provided direction to staff.

Council reconvened to Open Session at 10:15 p.m.

13. ADJOURNMENT

There being no further business the Regular City Council Meeting of April 17, 2003 was adjourned at 10:15 pm.

Respectfully Submitted

Ruth Swanson
Interim Clerk

The minutes of the Regular City Council Meeting of the April 17, 2003 were approved as amended at the Regular City Council Meeting May 1, 2003.